102-25

Public Law 102-25
102d Congress

An Act

Entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

Apr. 6, 1991
[S. 725]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.
Armed Forces.
Veterans.
10 USC 101 note.

SECTION 1. SHORT TITLE

This Act may be cited as the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

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SEC. 3. DEFINITIONS

10 USC 101 note.

For the purposes of this Act:

(1) The term "Operation Desert Storm" means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield and Operation Desert Storm).

(2) The term "incremental costs associated with Operation Desert Storm" means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

(3) The term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

(4) The term "congressional defense committees" has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1498).

SEC. 4. CONSTRUCTION WITH PUBLIC LAW 101-510.

Any authorization of appropriations, or authorization of the transfer of authorizations of appropriations, made by this Act is in addition to the authorization of appropriations, or the authority to make transfers, provided in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM

SEC. 101. FUNDS IN THE DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION OF APPROPRIATION.—During fiscal year 1991, there is authorized to be appropriated to the Department of Defense current and future balances in the Defense Cooperation Account established under section 2608 of title 10, United States Code.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall be available only for—

(1) transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the working capital account created under section 102.

SEC. 102. PERSIAN GULF CONFLICT WORKING CAPITAL ACCOUNT

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury of the United States a working capital account for the Department of Defense to be known as the "Persian Gulf Conflict Working Capital Account".

(b) AUTHORIZATION OF APPROPRIATIONS.—During fiscal year 1991, there is authorized to be appropriated to the Persian Gulf Conflict Working Capital Account the sum of $15,000,000,000.

(c) USE OF FUNDS.—Funds appropriated pursuant to subsection (b) shall be available only for transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for the incremental costs associated with Operation Desert Storm. Such funds may be used for that purpose only to the extent that funds are not available in the Defense Cooperation Account for transfer for such incremental costs.

(d) REPLENISHMENT OF ACCOUNT.—Amounts transferred from the Persian Gulf Conflict Working Capital Account shall be replenished from funds available in the Defense Cooperation Account to the extent that funds are available in the Defense Cooperation Account. Whenever the balance in the working capital account is less than the amount appropriated to that account pursuant to this section, the Secretary shall transfer from the Defense Cooperation Account such funds as become available to the account to replenish the working capital account before making any transfer of such funds under sections 101 and 102.

(e) REVERSION OF BALANCE UPON TERMINATION OF ACCOUNT.—Any balance in the Persian Gulf Conflict Working Capital Account at the time of the termination of the account shall revert to the general fund of the Treasury.

SEC. 103. ADDITIONAL TRANSFER AUTHORITY

The amount of the transfer authority provided in section 1401 of Public Law 101-510 is hereby increased by the amount of such transfers as the Secretary of Defense makes pursuant to law (other than Public Law 101-511) to make adjustments among amounts provided in titles I and II of Public Law 101-511 due to incremental costs associated with Operation Desert Storm.

SEC. 104. ADMINISTRATION OF TRANSFERS

A transfer made under the authority of section 101 or 102 increases by the amount of the transfer the amount authorized for the account to which the transfer is made.

SEC. 105. NOTICE TO CONGRESS OF TRANSFERS

(a) NOTICE-AND-WAIT.—A transfer may not be made under section 101 or 102 until the seventh day after the congressional defense committees receive a report with respect to that transfer under subsection (b).

(b) CONTENT OF REPORT.—A report under subsection (a) shall include the following:

(1) A certification by the Secretary of Defense that the amount or amounts proposed to be transferred will be used only for incremental costs associated with Operation Desert Storm.

(2) A statement of each account to which the transfer is proposed to be made and the amount proposed to be transferred to such account.

(3) A description of the programs, projects, and activities for which funds proposed to be transferred are proposed to be used.

(4) In the case of a transfer from the working capital account established under section 102, an explanation of the reasons why funds are not available in the Defense Cooperation Account for such transfer.

SEC. 106. MONTHLY REPORTS ON TRANSFERS

Not later than seven days after the end of each month in fiscal years 1991 and 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM

SEC. 201. AUTHORITY TO WAIVE END STRENGTH AND GRADE STRENGTH LAWS

(a) FISCAL YEAR 1991 END STRENGTH.—The Secretary of a military department may waive any end strength prescribed in section 401(a), 411, or 412(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) that applies to any of the armed forces under the jurisdiction of that Secretary. 10 USC 115 note, 261 note.

(b) GRADE STRENGTH LIMITATIONS.—The Secretary of a military department may suspend, for fiscal year 1991, the operation of any provision of section 517, 523, 524, 525, or 526 of title 10, United States Code, with respect to that military department. 10 USC 527 note.

SEC. 202. CERTIFICATION

The Secretary of a military department may exercise the authority provided in subsection (a) or (b) of section 201 only after the Secretary submits to the congressional defense committees a certification in writing that the exercise of that authority is necessary because of personnel actions associated with Operation Desert Storm. 10 USC 115 note, 261 note, 527 note.

SEC. 203. AUTHORIZATION FROM DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION.—In addition to authorizations under section 101, there is hereby authorized to be appropriated from the Defense Cooperation Account such sums as may be necessary for increases in military personnel costs for fiscal years 1991 through 1995 resulting from the exercise of the authorities provided in section 201. Such increases in costs are incremental costs associated with Operation Desert Storm.

(b) USE OF FUNDS.—Funds appropriated to the Persian Gulf Conflict Working Capital Account pursuant to section 102(b) may be used for the purposes described in subsection (a) to the extent provided in section 102(c).

(c) REPORTING.—Funds obligated for the purposes described in subsection (a) shall be included in the reports required by section 106.

SEC. 204. CONFORMING REPEAL

10 USC 115 note.

Section 1117 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1637) is repealed.

SEC. 205. RELATIONSHIP TO OTHER LAWS

10 USC 115 note, 261 note.

(a) RELATIONSHIP TO OTHER WAIVER AUTHORITIES.—The authority provided in section 201(a) is in addition to the waiver authority provided in sections 401(c) and 411(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) and the waiver authority provided in section 115(c)(1) of title 10, United States Code.

10 USC 527 note.

(b) RELATIONSHIP TO OTHER SUSPENSION AUTHORITY.—The authority provided in section 201(b) is in addition to the authority provided in section 527 of title 10, United States Code.

TITLE III—BENEFITS FOR PERSONS SERVING IN THE ARMED FORCES DURING THE PERSIAN GULF CONFLICT

PART A—MILITARY COMPENSATION AND BENEFITS

37 USC 310 note.

SEC. 301. TEMPORARY INCREASE IN THE RATE OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER

(a) INCREASED RATE.—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be $150 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

37 USC 427 note.

SEC. 302. TEMPORARY INCREASE IN FAMILY SEPARATION ALLOWANCE

(a) INCREASED RATE.—In lieu of the family separation allowance specified in section 427(b)(1) of title 37, United States Code, the family separation allowance payable under that section shall be $75 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

SEC. 303. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES

37 USC 403a note.

(a) USE OF PRINCIPAL PLACE OF RESIDENCE.—For the purpose of determining the entitlement of a Reserve described in subsection (b) to a variable housing allowance under section 403a of title 37, United States Code, the Reserve shall be considered to be assigned to duty at the Reserve's principal place of residence, determined as prescribed by the Secretary of Defense.

(b) RESERVE DESCRIBED.—A Reserve referred to in subsection (a) is a member of a reserve component of the uniformed services who is serving on active duty under a call or order to active duty in connection with Operation Desert Storm and is assigned to duty away from the Reserve's principal place of residence, determined as prescribed by the Secretary.

SEC. 304. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS

37 USC 302 note.

(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on November 5, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

37 USC 302 note.

SEC. 305. WAIVER OF BOARD CERTIFICATION REQUIREMENTS

(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

37 USC 316 note.

SEC. 306. FOREIGN LANGUAGE PROFICIENCY PAY

(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who obtains a certification of foreign language proficiency before the end of the period established for the member in subsection (c) shall be paid foreign language proficiency pay under section 316 of title 37, United States Code, for active duty performed after August 2, 1990, and before the date of that certification if the Secretary of Defense determines that the member was unable to schedule or complete that certification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member on active duty who, except for subsection (a)(2) of that section, was otherwise eligible for special pay under that section during the duty assignment in connection with Operation Desert Storm.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of certification of foreign language proficiency with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

10 USC 1478 note.

SEC. 307. TEMPORARY INCREASE IN AMOUNT OF DEATH GRATUITY

In lieu of the amount of the death gratuity specified in section 1478(a) of title 10, United States Code, the amount of the death

gratuity payable under that section shall be $6,000 for a death resulting from any injury or illness incurred during the Persian Gulf conflict or during the 180-day period beginning at the end of the Persian Gulf conflict.

SEC. 308. DEATH GRATUITY FOR PARTICIPANTS WHO DIED BEFORE THE DATE OF ENACTMENT

10 USC 1478 note.

(a) PAYMENT OF DEATH GRATUITY.—Subject to subsections (b) and (c), the Secretary of Defense shall pay a death gratuity to each SGLI beneficiary of each deceased member of the uniformed services who died after August 1, 1990, and before the date of the enactment of this Act, and whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf, as prescribed in regulations set forth by the Secretary of Defense.

(b) AMOUNT AND DISTRIBUTION OF GRATUITY.—The amount of the death gratuity payable to an SGLI beneficiary in the case of a deceased member of the uniformed services under this section shall be equal to the Servicemen's Group Life Insurance paid or payable to such beneficiary under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(c) APPLICATION FOR GRATUITY REQUIRED.—A death gratuity shall be payable to an SGLI beneficiary under this section upon receipt of a written application therefor by the Secretary of Defense within one year after the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe in regulations the form of the application for benefits under this section and any procedures and requirements that the Secretary considers necessary to carry out this section.

(e) DEFINITIONS.—In this section:

(1) The term "SGLI beneficiary", with respect to a deceased member of the uniformed services, means a person to whom Servicemen's Group Life Insurance is paid or payable under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(2) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

SEC. 309. TREATMENT OF ACCRUED LEAVE OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY

(a) SURVIVORS ELIGIBLE FOR PAYMENT FOR ALL ACCRUED LEAVE OF MEMBER.—In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.

37 USC 501 note.

(b) TECHNICAL AMENDMENT.—Section 1115(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1636) is amended by striking out "section 501(b)(3) of title 37, United States Code, does not apply" and inserting in lieu thereof "subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply".

37 USC 501 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as of November 5, 1990.

37 USC 501 note.

SEC. 310. REMOVAL OF LIMITATION ON THE ACCRUAL OF SAVINGS OF MEMBERS IN A MISSING STATUS

(a) ADDITION OF PERSIAN GULF CONFLICT.—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by inserting before the period in the second sentence the following: "or during the Persian Gulf conflict"; and

(2) in the last sentence, by striking out "the date designated" and all that follows through the period and inserting in lieu thereof the following: "May 7, 1975, and the Persian Gulf conflict begins on January 16, 1991, and ends on the date thereafter prescribed by Presidential proclamation or by law.".

(b) MISSING STATUS DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(f) In this section, the term 'missing status' has the meaning given such term in section 551(2) of title 37.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out ", as defined in section 551(2) of title 37,"; and

(2) in subsection (e), by striking out "(as defined in section 551(2) of title 37)".

37 USC 403 note.

SEC. 310A. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS WITHOUT DEPENDENTS

(a) IN GENERAL.—A member of a reserve component of the uniformed services without dependents who is called or ordered to active duty in connection with Operation Desert Storm shall be entitled to a basic allowance for quarters under section 403 of title 37, United States Code, if, because of the call or order, the member is unable to continue to occupy a residence—

(1) which is maintained as the primary residence of the member at the time of the call or order; and

(2) which is owned by the member or for which the member is responsible for rental payments.

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 2, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

PART B—MILITARY PERSONNEL POLICIES AND PROGRAMS

10 USC 688 note.

SEC. 311. GRADE OF RECALLED RETIRED MEMBERS

(a) IN GENERAL.—A retired member of the Armed Forces ordered to active duty under section 688 of title 10, United States Code, in connection with Operation Desert Storm who had previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty under that section in the highest grade in which the member had so served satisfactorily.

(b) GRADE UPON RELEASE FROM ACTIVE DUTY.—(1) For the purposes of section 688(b) of title 10, United States Code, a member of the Armed Forces ordered to active duty in a grade that is higher than the member's retired grade pursuant to subsection (a) shall be deemed to have been promoted to such higher grade while on such active duty.

(2) A retired member described in subsection (a) who, upon being released from the tour of active duty covered by that subsection, has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade higher than the member's retired grade, is entitled, upon that release from active duty, to placement on the retired list in that grade.

(c) EFFECTIVE DATE.—This section shall apply with respect to retired members ordered to active duty on or after August 2, 1990.

SEC. 312. TEMPORARY CHAMPUS PROVISIONS REGARDING DEDUCTIBLES AND COPAYMENT REQUIREMENTS

Health insurance. Health care provider. 10 USC 1079 note.

(a) DELAY IN THE INCREASE OF ANNUAL DEDUCTIBLES UNDER CHAMPUS.—The annual deductibles specified in subsection (b) of section 1079 of title 10, United States Code (as in effect on November 4, 1990), shall apply until October 1, 1991, in the case of health care provided under that section to the dependents of a member of the uniformed services who serves or served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(b) WAIVER OF COPAYMENT REQUIREMENTS.—(1) Any civilian health care provider furnishing health care pursuant to a plan contracted for under the authority of section 1079 or 1086 of title 10, United States Code, may waive, in whole or in part, any requirement for payment under subsection (b) of that section by a patient described in paragraph (2) for health care furnished the patient by such health care provider during the Persian Gulf conflict.

(2) A patient referred to in paragraph (1) is a dependent of a member of the uniformed services who serves on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(3) If a health care provider waives a payment for health care under paragraph (1), the health care provider shall certify to the Secretary of Defense that the amount charged the Federal Government for such health care was not increased above the amount that the health care provider would have charged the Federal Government for such health care had the payment not been waived. The Secretary of Defense may require a health care provider to provide information to the Secretary to show the compliance of the health care provider with this paragraph.

SEC. 313. TRANSITIONAL HEALTH CARE

10 USC 1076 note.

(a) HEALTH CARE PROVIDED.—A member of the Armed Forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in connection with Operation Desert Storm until the earlier of—

(1) 30 days after the date of the release of the member from active duty; or

(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

(b) ELIGIBLE MEMBER DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a member of a reserve component of the Armed Forces and is called or ordered to active duty under chapter 39 of title 10, United States Code, in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) HEALTH CARE DESCRIBED.—The health care referred to in subsection (a) is—

(1) medical and dental care under section 1076 of title 10, United States Code, in the same manner as a dependent described in subsection (a)(2) of that section; and

(2) health benefits contracted under the authority of section 1079(a) of that title and subject to the same rates and conditions as apply to persons covered under that section.

(d) DEPENDENT DEFINED.—For purposes of this section, the term "dependent" has the meaning given that term in section 1072(2) of title 10, United States Code.

SEC. 314. EXTENSION OF CERTAIN PERSIAN GULF CONFLICT PROVISIONS

Title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.) is amended as follows:

(1) The following sections are amended by striking out "Operation Desert Shield" each place it appears and inserting in lieu thereof "the Persian Gulf conflict": sections 1111(b)(1), 1114, and 1115.

37 USC 403a note; 10 USC 1035 note; 37 USC 501 note.

(2) Section 1111 is further amended—

(A) by striking out "for fiscal year 1990 and during fiscal year 1991" in subsection (b)(1);

(B) by inserting "or for fiscal year 1992" in subsection (b)(2) after "fiscal year 1991"; and

(C) by striking out subsection (c).

(3) Sections 1114(a) and 1115(a) are amended by striking out "during fiscal year 1990 or 1991".

SEC. 315. STUDY OF DEPARTMENT OF DEFENSE POLICIES RELATING TO DEPLOYMENT OF MILITARY SERVICEMEMBERS WITH DEPENDENTS OR SERVICEMEMBERS FROM FAMILIES WITH MORE THAN ONE SERVICEMEMBER

(a) STUDY.—The Secretary of Defense shall carry out a study of the policies of the Department of Defense relating—

(1) to activation of units and members of reserve components for active duty (other than for training); and

(2) to deployments overseas of members of the Armed Forces (whether from active or reserve components),

as those policies affect the family responsibilities and interests of members of the Armed Forces who have minor children or who are from families with more than one member in the Armed Forces.

(b) MATTERS TO BE CONSIDERED.—The study under subsection (a) shall examine the family policies of the military departments for consistency among the Armed Forces and shall consider whether these policies adequately address the needs of reserve component personnel. The study shall also assess the responsiveness of current policies to the needs of the all-volunteer Force as it is presently constituted, as reflected by its demographic profile.

(c) REPORT.—Not later than March 31, 1992, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under subsection (a). The report shall include an

analysis of the effect of deployments made as part of military operations during the Persian Gulf conflict on members of the Armed Forces referred to in that subsection, including the following (which shall be shown separately by service and for active-component and reserve-component personnel):

(1) The number of single parent military personnel who were deployed and the number of children of those parents.

(2) The number of members of the Armed Forces married to another member of the Armed Forces who were both deployed and the number of children of those members.

(3) The number of members of the Armed Forces deployed (or given orders to deploy) who requested exceptions to existing policies respecting family members, categorized by the reasons given for the requests and the dispositions of the requests.

(4) A description of any differences in any of the military departments in policies applicable to active component members and reserve component members and any problems that arose from those differences.

(5) A statement of the incidence of use of military family assistance programs by persons other than parents who provided care for dependent children while parents in the Armed Forces were deployed.

(6) A discussion of the effectiveness of military family assistance programs during the Persian Gulf conflict.

(7) A discussion of the applicability of existing policies with respect to members of the Armed Forces who have dependents other than minor children, including dependent parents and dependent disabled adult children.

(8) A discussion of proposed and actual changes by the Department of Defense in family assistance programs and assignment policies.

SEC. 316. ADJUSTMENT IN THE EFFECTIVE DATE OF CHANGES IN MENTAL HEALTH BENEFITS AS A RESULT OF OPERATION DESERT STORM

(a) IN GENERAL.—(1) Section 703(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991". 10 USC 1079 note.

(2) Section 8044 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1884) is amended (A) in the matter preceding the first proviso, by striking out "this Act" and inserting in lieu thereof "any Act appropriating funds to the Department of Defense for fiscal year 1992 and", and (B) in the fifth proviso, by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991".

(b) TRANSITION PROVISION.—Effective as of February 15, 1991, subsections (a)(6) and (i) of section 1079 of title 10, United States Code, as those subsections were in effect on February 14, 1991, are revived.

(c) FUNDS.—Of the amount authorized to be appropriated by section 391, $36,000,000 shall be available for increased costs by reason of the amendments made by this section.

SEC. 317. SENSE OF THE HOUSE OF REPRESENTATIVES ON SEPARATION OF CERTAIN MEMBERS FROM THEIR INFANT CHILDREN

It is the Sense of the House of Representatives that—

(1) The armed services shall strive to devise and implement a uniform policy with respect to the deployment of mothers of newborn children.

(2) Such policy should provide that to the maximum extent possible, mothers of new born children under the age of 6 months shall not be:

(A) deployed in the case of a mother on active duty; or

(B) activated, if activation requires separating the mother and child, or deployed in the case of a mother serving in a reserve component.

PART C—VETERANS BENEFITS AND PROGRAMS

Persian Gulf War Veterans' Benefits Act of 1991.
38 USC 101 note.

SEC. 331. SHORT TITLE

This part may be cited as the "Persian Gulf War Veterans' Benefits Act of 1991".

SEC. 332. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (11), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

(2) by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 333. PENSION ELIGIBILITY FOR PERSIAN GULF WAR VETERANS AND SURVIVING SPOUSES OF PERSIAN GULF WAR VETERANS

(a) Section 501 of title 38, United States Code, is amended by inserting "the Persian Gulf War," in paragraph (4) after "the Vietnam era,".

(b) Section 541(f)(1) of such title is amended—

(1) by striking out "or" before (D); and

(2) by inserting before the semicolon at the end ", or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War".

(c) CONFORMING AMENDMENTS.—(1) The heading above section 541 of such title is amended to read as follows:

"OTHER PERIODS OF WAR".

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the heading between the items relating to section 537 and 541 and inserting in lieu thereof the following:

"Other Periods of War".

SEC. 334. HEALTH BENEFITS

(a) PERIOD OF SERVICE FOR DENTAL BENEFITS.—Section 612(b) of title 38, United States Code, is amended by inserting "or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days" after "180 days" in paragraphs (1)(B)(ii) and (2).

(b) PRESUMPTION RELATING TO PSYCHOSIS.—Section 602 of such title is amended—

(1) by striking out "or the Vietnam era" and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War";

(2) by striking out "or" after "Korean conflict," the second place it appears; and

(3) by inserting "or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War," after "Vietnam era veteran,".

(c) COVERAGE OF CERTAIN PRESCRIPTION DRUG BENEFITS.—Section 612(h) of such title is amended in the first sentence by striking out "the Mexican border period" and all that follows through "Vietnam era" and inserting in lieu thereof "a period of war".

(d) READJUSTMENT COUNSELING.—Section 612A(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

"(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

SEC. 335. REPORTS BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS CONCERNING SERVICES TO TREAT POST-TRAUMATIC STRESS DISORDER

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress two reports containing, with respect to their respective Departments, the following:

(1) An assessment of the need for rehabilitative services for members of the Armed Forces participating in the Operation Desert Storm who experience post-traumatic stress disorder.

(2) A description of the available programs and resources to meet those needs.

(3) The specific plans of that Secretary for treatment of members experiencing post-traumatic stress disorder, particularly with respect to any specific needs of members of reserve components.

(4) An assessment of needs for additional resources necessary in order to carry out such plans.

(5) A description of plans to coordinate treatment services for post-traumatic stress disorder with the other Department.

(b) TIMES FOR SUBMISSION OF REPORTS.—The first report by each of the Secretaries shall be submitted not later than 90 days after the date of the enactment of this Act, and the second report by each of the Secretaries shall be submitted a year later.

SEC. 336. LIFE INSURANCE BENEFITS

(a) SERVICEMEN'S GROUP LIFE INSURANCE.—Section 767 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000"; and

(2) in subsection (d)—

(A) by striking out "January 1, 1986" each place it appears and inserting in lieu thereof "May 1, 1991"; and

(B) by striking out "$50,000" and inserting in lieu thereof "$100,000".

(b) VETERANS' GROUP LIFE INSURANCE.—Section 777(a) of such title is amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

38 USC 767 note.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply with respect to deaths on or after the date of the enactment of this Act.

SEC. 337. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and (c)" and inserting in lieu thereof ", (c), (d), (e), and (f)";

(2) in subsection (b), by striking out "In" and inserting in lieu thereof "Except as provided in subsections (c), (d), (e), and (f), in"; and

(3) by adding at the end the following new subsection:

"(f)(1) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subsection (a)(1) or (b)(1) of this section shall be $350 and $275, respectively.

"(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under this subsection for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—(1) Section 2131(b) of title 10, United States Code, is amended—

(A) by striking out "(b) Except as provided in" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2) and";

(B) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively; and

(C) and by adding at the end the following new paragraph:

"(2)(A) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1) shall be $170, $128, and $85, respectively.

"(B) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable

under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under subparagraph (A) of this paragraph and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(C) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under this paragraph for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).".

(2) Section 2131(f)(2) of such title is amended by striking out "$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

(3) Section 2131(g)(3) of such title is amended by striking out "$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

SEC. 338. MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE FOR PERSIAN GULF WAR VETERAN

Section 1792(a) of title 38, United States Code, is amended by striking out "and the post-Vietnam era" in the second sentence and inserting in lieu thereof "the post-Vietnam era, and the Persian Gulf War".

SEC. 339. IMPROVED REEMPLOYMENT RIGHTS FOR DISABLED VETERANS

(a) IN GENERAL.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2027. Qualification for employment position

"(a) For the purposes of this chapter, a person shall be considered qualified to perform the duties of an employment position if such person, with or without reasonable accommodation, can perform the essential functions of the position.

"(b) For the purposes of subsection (a) of this section, an employer shall be required to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer.

"(c) For purposes of subsections (a) and (b) of this section—

"(1) the term 'employer' means—

"(A) until July 26, 1994, a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person; and

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"(B) on and after July 26, 1994, a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person;

except that such term does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

"(2) the terms 'reasonable accommodation' and 'undue hardship' have the meanings given such terms in paragraphs (9) and (10), respectively, of section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 (9) and (10)).

"(d) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990.".

(b) TECHNICAL AMENDMENT.—The table of sections of such chapter is amended by adding at the end the following:

"2027. Qualification for employment position.".

38 USC 2027 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 340. REQUALIFICATION OF FORMER EMPLOYEES

(a) IN GENERAL.—Section 2021(a) of title 38, United States Code, is amended—

(1) in clause (A), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears; and

(2) in clause (B), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears.

38 USC 2021 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 341. ELIGIBILITY FOR HOUSING BENEFITS

Section 1802(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Each veteran who served on active duty for 90 days or more at any time during the Persian Gulf War, other than a veteran ineligible for benefits under this title by reason of section 3103A(b) of this title.".

PART D—FEDERAL EMPLOYEE BENEFITS

5 USC 6361 note.

SEC. 361. LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR

(a) CIVIL SERVICE EMPLOYEES.—The Office of Personnel Management shall establish a leave bank program under which—

(1) an employee in any executive agency may (during a period specified by the Office of Personnel Management) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Office of Personnel Management;

(2) the total annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed

Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

(3) such Persian Gulf concflict participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) DEFINITIONS.—For purposes of subsection (a), the term "employee" means an employee as defined in section 6361(1) of title 5, United States Code.

(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act, the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

(d) DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROFESSIONALS.—The Secretary of Veterans Affairs shall establish a program similar to that established under subsection (a) for the benefit of health-care professionals covered under section 4108(e) of title 38, United States Code. Such program shall be as similar and practicable to the program established under subsection (a).

PART E—HIGHER EDUCATION ASSISTANCE

Persian Gulf Conflict Higher Education Assistance Act. 20 USC 1070 note.

SEC. 371. SHORT TITLE

This part may be cited as the "Persian Gulf Conflict Higher Education Assistance Act".

SEC. 372. OPERATION DESERT STORM WAIVER AUTHORITY

(a) PURPOSE.—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) (hereafter in this section referred to as the "Act") who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because the individual was called up for such service.

(b) WAIVER REQUIREMENT.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was

serving on active duty in connection with Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary of Education, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for the individual's spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and such individual's family.

Federal Register, publication.

(c) NOTICE OF WAIVER.—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) DEFINITIONS.—For purposes of this part—

(1) individuals serving on active duty in connection with Operation Desert Storm include—

(A) any Reserve of the Armed Forces called to active duty under section 672(a), 672(g), 673, 673(b), 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of the Armed Forces on active duty in connection with Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned; and

(2) the term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such

term does not include active duty for training or attendance at a service school.

SEC. 373. TUITION REFUNDS OR CREDITS

(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member of the Armed Forces on active duty in connection with Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because such individual was called up for such service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information the Secretary receives regarding any institutions that are not providing such refunds or credits.

SEC. 374. ELIGIBILITY OF STUDENT BORROWERS

Section 731 of the Public Health Service Act (42 U.S.C. 294d) is amended—

(1) in subsection (a)(2)(C)—

(A) by striking "or" at the end of clause (vi); and

(B) by striking "and any such period" and all that follows through "clause (B) above;" in clause (vii) and inserting the following: "and (viii) in addition to all other deferments for which the borrower is eligible under clauses (i) through (vii) during which the borrower is a member of the Armed Forces on active duty during the Persian Gulf conflict, and any period described in clauses (i) through (viii) shall not be included in determining the 25-year period described in subparagraph (B);"; and

(2) by adding at the end the following new subsection:

"(f) As used in this section:

"(1) The term 'active duty' has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

"(2) The term 'Persian Gulf conflict' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 375. TERMINATION OF SECTIONS 372 AND 373

The provisions of sections 372 and 373 shall cease to be effective on September 30, 1997.

SEC. 376. COORDINATION WITH OTHER LAW

If the Higher Education Technical Amendments of 1991 is enacted, the provisions of sections 4, 5, and 6 of that Act shall supersede sections 372, 373, and 375.

PART F—PROGRAMS FOR FARMERS AND RANCHERS

7 USC 1421 note.

SEC. 381. DEFINITIONS

As used in this part:

(1) ACTIVATED RESERVIST.—The term "activated reservist" means a member of a reserve component of the Armed Forces who served or is serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(d), 672(g), 673, 673b, 674, 675, or 678 of title 10, United States Code.

(2) FARMER PROGRAM LOAN.—The term "farmer program loan" has the same meaning given such term in section 343(a)(10) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(10)).

(3) RESERVE COMPONENT OF THE ARMED FORCES.—The term "reserve component of the Armed Forces" means a reserve component named in section 261(a) of title 10, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) OTHER TERMS.—

(A) AGRICULTURAL ACT OF 1949.—The terms "crop acreage base", "producer", "program crop", and any other terms used in this title have the same meanings specifically given such terms in the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(B) TITLE 10.—The term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 382. BASE PROTECTION

The Secretary shall, with respect to a producer on a farm who is an activated reservist during a crop year, provide for the protection of the producer's crop acreage base for any program crop on the farm to the extent necessary to provide fair and equitable treatment for the producer.

Crop insurance.

SEC. 383. WAIVER OF MINIMUM PLANTING REQUIREMENT

The producers on a farm shall be eligible for payments for a crop of rice or upland cotton under sections 101B(c)(1)(D)(i) and 103B(c)(1)(D)(i) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(i) and 1444-2(c)(1)(D)(i), without regard to the minimum planting requirement established in sections 101B(c)(1)(D)(ii) and 103B(c)(1)(D)(ii) of such Act, if—

(1) one or more of the producers on the farm is an activated reservist during any portion of the crop year; and

(2) the producers on the farm satisfy all other requirements determined appropriate by the Secretary for the payments.

SEC. 384. CONSERVATION REQUIREMENTS

(a) TEMPORARY WAIVER AUTHORITY.—The Secretary may provide for a temporary waiver or modification of the application of subtitles A through E of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) with respect to producers on a farm who are activated reservists if—

(1) the temporary waiver or modification is only for the period during which the producer is an activated reservist;

(2) the Secretary determines that the temporary waiver or modification is necessary to prevent undue hardship caused as a result of the producer's service on active duty during the Persian Gulf Conflict or to provide equitable treatment for the activated reservist; and

(3) the temporary waiver or modification will not significantly detract from the purposes and objectives of subtitles A through E of title XII of the Food Security Act of 1985.

(b) REPORT.—The Secretary shall, not later than March 31, 1992, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate regarding the temporary waivers and modifications granted under subsection (a). Such report shall include—

(1) a summary of the types of waivers and modifications granted under subsection (a);

(2) a summary of the number and the geographical breakdown of the waivers and modifications granted under subsection (a); and

(3) an assessment of the effect of the waivers and modifications granted under subsection (a) on the ability of the programs established under subtitles A through E of title XII of the Food Security Act of 1985 to accomplish the purposes and objectives of such subtitles.

SEC. 385. FARM CREDIT PROVISIONS

Loan programs.

(a) IN GENERAL.—The Secretary shall establish a program to provide relief to any borrower of a farmer program loan if the borrower is an activated reservist.

(b) BORROWER RELIEF.—The Secretary shall modify the terms and conditions of farmer program loans (including loans in which any participant in the loan is an activated reservist) made or insured under the Consolidated Farm and Rural Development Act, or purchased under section 309B of such Act (7 U.S.C. 1926b), to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of such reservist and to assist keeping the farm or ranch of an activated reservist borrower in operation for such period of time as the Secretary determines is fair and equitable.

(c) LOAN MODIFICATIONS.—The Secretary may modify farmer program loans, including delinquent loans, by deferring scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

(d) NOTICE.—The Secretary shall develop a program to notify any person that has an interest in, or is operating, a farm or ranch of an activated reservist who is a farmer program loan borrower of the borrower relief provisions of this section.

SEC. 386. PROGRAM ADMINISTRATION PROVISIONS

(a) SIGN-UP PROCEDURES.—The Secretary may provide for procedures by which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Food Security Act of 1985 (Public Law 99-198), the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624), the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et

seq.), or any other Act concerning the operation of the activated reservist's farming or ranching operation.

(b) REQUIREMENTS.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under such procedures if—

(1) The Secretary determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

(2) the Secretary has reason to believe that the representation of the spouse or close relative is in accordance with the wishes of the activated reservist.

Regulations.

SEC. 387. ADMINISTRATION

The Secretary shall issue such regulations, and take such other actions, as are necessary to carry out this part. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this part by the Secretary.

Food stamps.

SEC. 388. OUTREACH PROJECTS

(a) The Secretary shall conduct a sufficient number of outreach projects to inform appropriate households, of which a member is a member of the Armed Forces serving on active duty (other than for training) that they might be eligible for participation in the Food Stamp Program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(b) The Secretary shall—

(1) in designing and carrying out projects under subsection (a), consult with the Secretary of Defense, appropriate State agencies, and appropriate military family support groups; and

(2) ensure that the projects under subsection (a) begin no later than July 1, 1991, and end July 1, 1992.

Reports.

(c) The Secretary shall submit a report, by September 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of each method used under subsection (a) to inform households of food stamp eligibility.

PART G—BUDGET TREATMENT

SEC. 391. AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION.—In addition to the authorizations of appropriations in titles I and II, there is hereby authorized to be appropriated from the Defense Cooperation Account the sum of $655,000,000, to be available only for the payment of title III benefits for fiscal years 1991 through 1995, except that none of the amount appropriated pursuant to such authorization shall be available for (1) payment of Montgomery GI bill rate increases for fiscal years after fiscal year 1993, or (2) for costs under the amendments made by section 334. Of the amount appropriated pursuant to such authorization, $255,000,000 is available only for the costs of benefits under part C of this title, and no more than such amount may be available from such account for those costs.

(b) LONG-TERM COSTS.—The amount of funds in the Defense Cooperation Account on October 1, 1992 (other than funds appropriated pursuant to authorizations in other provisions of this Act), is hereby authorized to be appropriated from that account for costs of

title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) accruing after fiscal year 1995.

(c) INCREMENTAL COSTS.—The costs of title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) for fiscal years 1991 through 1995 and the costs of Montgomery GI bill rate increases for fiscal years 1992 and 1993 are incremental costs associated with Operation Desert Storm.

SEC. 392. BENEFITS CONTINGENT UPON APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) IN GENERAL.—No person is entitled to, or eligible for, any title III benefit that is payable during fiscal years 1991 through 1995 unless an appropriations Act appropriates funds for such benefit from the Defense Cooperation Account for transfer to applicable appropriations. The preceding sentence does not apply with respect to Montgomery GI bill rate increases or to benefits under section 334.

(b) VETERANS BENEFITS.—No person is entitled to, or eligible for, payment of Montgomery GI bill rate increases during fiscal year 1992 or fiscal year 1993 unless an appropriations Act appropriates funds for the payment of such rate increases from the Defense Cooperation Account for transfer to applicable appropriations.

SEC. 393. DEFINITION; CONSTRUCTION OF SECTIONS 391 AND 392

(a) DEFINITION.—For purposes of this title, the term "Montgomery GI bill rate increases" means increases provided by section 337 with respect to fiscal years 1992 and 1993 in the monthly rates of educational assistance benefits in effect on the day before the date of the enactment of this Act under chapter 106 of title 10, United States Code, and under chapter 30 of title 38, United States Code.

(b) CONSTRUCTION.—For purposes of sections 391 and 392—

(1) a title III benefit is (A) any new payment or benefit provided by this title, or (B) any increase provided by this title in payments amounts or benefits previously provided by law; and

(2) a reference to provisions of this title shall be considered to include reference to provisions of law added by amendments made by this title.

TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

10 USC 113 note.

SEC. 401. REPORTS ON UNITED STATES COSTS IN THE PERSIAN GULF CONFLICT AND FOREIGN CONTRIBUTIONS TO OFFSET SUCH COSTS

(a) REPORTS REQUIRED.—The Director of the Office of Management and Budget shall prepare, in accordance with this section, periodic reports on the incremental costs associated with Operation Desert Storm and on the amounts of contributions made to the United States by foreign countries to offset those costs. The Director shall prepare the reports in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and other appropriate Government officials.

(b) COSTS OF OPERATION DESERT STORM.—

(1) PERIOD COSTS AND CUMULATIVE COSTS.—Each report prepared under subsection (a) shall specify—

(A) the incremental costs associated with Operation Desert Storm that were incurred during the period covered by the report; and

(B) the cumulative total of such costs, by fiscal year, from August 1, 1990, to the end of the period covered by the report.

(2) NONRECURRING COSTS AND COSTS OFFSET.—In specifying the incremental costs associated with Operation Desert Storm that were incurred during the period covered by a report and the total of such costs, the Director shall separately identify those costs that—

(A) are nonrecurring costs;

(B) are offset by in-kind contributions; or

(C) are offset (or proposed to be offset) by the realignment, reprogramming, or transfer of funds appropriated for activities unrelated to the Persian Gulf conflict.

(c) SPECIFIC COST AREAS.—Each report prepared under subsection (a) on the incremental costs associated with Operation Desert Storm shall specify an allocation of the total amount of such costs among the military departments, the Defense Agencies of the Department of Defense, and the Office of the Secretary of Defense, by category, including the following categories:

(1) AIRLIFT.—Airlift costs related to the transportation by air of personnel, equipment, and supplies.

(2) SEALIFT.—Sealift costs related to the transportation by sea of personnel, equipment, and supplies.

(3) PERSONNEL.—Personnel costs, including pay and allowances of members of the reserve components of the Armed Forces called or ordered to active duty and increased pay and allowances of members of the regular components of the Armed Forces incurred because of deployment in connection with Operation Desert Storm.

(4) PERSONNEL SUPPORT.—Personnel support costs, including subsistence, uniforms, and medical costs.

(5) OPERATING SUPPORT.—Operating support costs, including equipment support costs, costs associated with increased operational tempo, spare parts, stock fund purchases, communications, and equipment maintenance.

(6) FUEL.—Fuel costs.

(7) PROCUREMENT.—Procurement costs, including ammunition, weapon systems improvements and upgrades, and equipment purchases.

(8) MILITARY CONSTRUCTION.—Military construction costs.

(d) CONTRIBUTIONS TO THE UNITED STATES.—

(1) AMOUNT OF CONTRIBUTIONS.—Each report prepared under subsection (a) shall specify the amount of contributions made to the United States by each foreign country that is making contributions to defray the cost to the United States of Operation Desert Storm. The amount of each country's contribution during the period covered by each report, as well as the cumulative total of such contributions made before the date of the report, shall be indicated as follows:

(A) Cash payments pledged.

(B) Cash payments received.

(C) Description and value of in-kind contributions pledged.

(D) Description and value of in-kind contributions received.

(2) PLEDGE PERIOD AND USE RESTRICTIONS.—In specifying the amount of each contribution pledged, the Director shall indicate—

(A) the time period, if any, for which that contribution applies; and

(B) any restrictions on the use of that contribution.

(e) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report required by subsection (a) shall be submitted to the Congress not later than 14 days after the date of the enactment of this Act and shall cover the period beginning on August 1, 1990, and ending on December 31, 1990.

(2) SECOND REPORT.—The second report shall be submitted to the Congress not later than 21 days after the date of the enactment of this Act and shall cover—

(A) January and February 1991, with respect to information required under subsections (b) and (c); and

(B) January, February, and March 1991, with respect to information required under subsection (d).

(3) SUBSEQUENT MONTHLY REPORTS.—A report shall be submitted to Congress not later than the 15th day of each month after April 1991 and shall cover—

(A) the month before the preceding month, in the case of information required under subsections (b) and (c); and

(B) the preceding month, in the case of information required under subsection (d).

(4) FINAL REPORT.—The final report shall be submitted not later than November 15, 1992, and shall include—

(A) the information required under subsections (b) and (c) relating to the month of September 1992; and

(B) a summary of all information that was included in reports submitted under this section.

SEC. 402. REPORTS ON FOREIGN CONTRIBUTIONS IN RESPONSE TO THE PERSIAN GULF CRISIS

(a) REPORTS REQUIRED.—The Secretary of State and the Secretary of the Treasury shall jointly prepare periodic reports on the contributions made by foreign countries as part of the international response to the Persian Gulf crisis. The Secretaries shall prepare the reports in consultation with the Secretary of Defense and other appropriate Federal Government officials.

(b) INFORMATION TO BE PROVIDED.—Each report required by this section shall include the following information for each foreign country making contributions as part of the international response to the Persian Gulf crisis:

(1) PARTICIPATION IN THE INTERNATIONAL MILITARY COALITION.—In the case of each foreign country whose armed forces are participating in the international military coalition confronting Iraq, a description of the forces committed in terms of personnel, units, and equipment deployed, and any information available regarding the aggregate amount of the incremental costs associated with such country's participation.

(2) CONTRIBUTIONS TO THOSE COUNTRIES SIGNIFICANTLY AFFECTED BY THE PERSIAN GULF CRISIS.—Any information available on—

(A) any additional special assistance (financial, in-kind, or host-country support) pledged as a contribution to each of those countries significantly affected by the Persian Gulf crisis; and

(B) the value and a description of the types of such assistance received by each such country.

The information provided pursuant to this paragraph shall include information on such assistance as reported to the Gulf Crisis Financial Coordination Group.

(3) CONTRIBUTIONS TO OTHER MILITARY FORCES.—The value and nature of any assistance (financial, in-kind, or host-country support) made to each foreign country referred to in paragraph (1), other than the United States, to defray costs of military operations conducted by the armed forces of such foreign country in connection with Operation Desert Storm.

(4) CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—Any information available on the value and nature of contributions pledged—

(A) to any United Nations organization,

(B) to the International Committee of the Red Cross, and

(C) to the extent the Secretary of State considers appropriate, to other international or nongovernmental organizations,

for the purpose of dealing with consequences of the Persian Gulf crisis (including contributions for such purposes as furnishing humanitarian assistance for displaced persons or furnishing assistance for responding to oil spills), and the value and nature of such contributions received by each such organization.

(5) OTHER FORMS OF CONTRIBUTIONS.—A description of international agreements entered into by the United States as a result of the Persian Gulf crisis, and a description of prepositioning rights, base or other military facilities access rights, or air transit rights granted to the United States as a result of the Persian Gulf crisis.

(6) CONTRIBUTIONS TO OTHER FOREIGN COUNTRIES.—Any information available on the types of any additional assistance (financial, in-kind, or host-country support) pledged and received as a contribution to other foreign countries as a result of the Persian Gulf crisis.

(7) CUMULATIVE TOTALS.—Each report submitted pursuant to subsection (c) shall include cumulative totals for, and any information available on the aggregate value of, the contributions that have been pledged, and the contributions that have been paid or otherwise delivered, by each foreign country as of the end of the calendar quarter covered by that report.

(c) SUBMISSION OF REPORTS.—

(1) TIME FOR SUBMISSION, PERIOD COVERED.—(A) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on August 1, 1990, and ending on December 31, 1990.

(B) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered

during the period beginning on January 1, 1991, and ending on March 31, 1991.

(C) Subsequent reports prepared pursuant to subsection (a) shall be submitted to the Congress not later than the 15th day after the end of each calendar quarter in 1991 with respect to the contributions pledged and the contributions paid or otherwise delivered during that calendar quarter.

(D) A final report shall be submitted to the Congress not later than November 15, 1992, and shall contain a summary of all information relating to the contributions pledged and the contributions paid or otherwise delivered that was included in reports submitted under this paragraph.

(d) DEFINITIONS.—In this section:

(1) The term "countries significantly affected by the Persian Gulf crisis" means Egypt, Jordan, Turkey, and Israel, and any other country whose economy the President determines is significantly affected by the Persian Gulf crisis.

(2) The term "Persian Gulf crisis" means the military conflict, the United Nations Security Council embargo against Iraq, and other consequences associated with Iraq's invasion and occupation of Kuwait and its failure to comply with the resolutions of the Security Council.

(3) The term "Gulf Crisis Financial Coordination Group" means the organization established by the President on September 25, 1990 for coordinating economic assistance in response to the Persian Gulf crisis.

SEC. 403. FORM OF REPORTS

The reports required to be submitted to the Congress pursuant to this title shall be submitted in unclassified form to the extent practicable, with a classified annex if necessary.

TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

SEC. 501. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

(a) REPORT REQUIRED.—Not later than January 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of the hostilities in the Persian Gulf theater of operations. The Secretary shall submit to such committees a preliminary report on the conduct of those hostilities not later than July 1, 1991. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States Central Command.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The military objectives of the multinational coalition.

(2) The military strategy of the multinational coalition to achieve those military objectives and how the military strategy contributed to the achievement of those objectives.

(3) The deployment of United States forces and the transportation of supplies to the theater of operations, including an

assessment of airlift, sealift, afloat prepositioning ships, and Maritime Prepositioning Squadron ships.

(4) The conduct of military operations.

(5) The use of special operations forces, including operational and intelligence uses classified under special access procedures.

(6) The employment and performance of United States military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations; and

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations.

(7) The scope of logistics support, including support from other nations, with particular emphasis on medical support provided in the theater of operations.

(8) The acquisition policy actions taken to support the forces in the theater of operations.

(9) The personnel management actions taken to support the forces in the theater of operations.

(10) The role of women in the theater of operations.

(11) The effectiveness of reserve component forces, including a discussion of each of the following matters:

(A) The readiness and activation of such forces.

(B) The decisionmaking process regarding both activation of reserve component forces and deployment of those forces to the theater of operations.

(C) The post-activation training received by such forces.

(D) The integration of forces and equipment of reserve component forces into the active component forces.

(E) The use and performance of the reserve component forces in operations in the theater of operations.

(F) The use and performance of such forces at duty stations outside the theater of operations.

(12) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:

(A) Taking of hostages.

(B) Treatment of civilians in occupied territory.

(C) Collateral damage and civilian casualties.

(D) Treatment of prisoners of war.

(E) Repatriation of prisoners of war.

(F) Use of ruses and acts of perfidy.

(G) War crimes.

(H) Environmental terrorism.

(I) Conduct of neutral nations.

(13) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.

(14) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particularly including United States tactical intelligence and related activities (TIARA) programs.

(15) Command, control, communications, and operational security of the coalition forces as a whole, and command, control, communications, and operational security of the United States forces.

(16) The rules of engagement for the coalition forces.

(17) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.

(18) The role of supporting combatant commands and Defense Agencies of the Department of Defense.

(19) The policies and procedures relating to the media, including the use of media pools.

(20) The assignment of roles and missions to the United States forces and other coalition forces and the performance of those forces in carrying out their assigned roles and missions.

(21) The preparedness, inciuding doctrine and training, of the United States forces.

(22) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.

(23) The problems posed by Iraqi possession and use of equipment produced in the United States and other coalition nations.

(24) The use of deception by Iraqi forces and by coalition forces.

(25) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations, including transition from air superiority operations to operations focused on degrading Iraqi forces, transition to large-scale ground offensive operations, and transition to cessation of hostilities.

(26) The effects on the conduct of United States military operations resulting from the implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain (1) the number of military and civilian casualties sustained by coalition nations, and (2) estimates of such casualties sustained by Iraq and by nations not directly participating in the hostilities in the Persian Gulf area during the Persian Gulf Conflict.

(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

TITLE VI—GENERAL PROVISIONS

SEC. 601. CHILD CARE ASSISTANCE

10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the Persian Gulf conflict in order to ensure that the children of such families obtain needed child care services. The assistance authorized by this section should be directed primarily toward providing needed child care services for children of such personnel who are serving in the Persian Gulf area or who have been otherwise deployed, assigned, or ordered to active duty in connection with Operation Desert Storm.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account

for fiscal year 1991 under section 101(a), $20,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs associated with Operation Desert Storm.

(c) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds appropriated pursuant to subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces.

10 USC 113 note.

SEC. 602. FAMILY EDUCATION AND SUPPORT SERVICES

(a) IN GENERAL.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of Operation Desert Storm.

(b) TYPES OF ASSISTANCE.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, or other forms of financial assistance to appropriate private or public entities.

(c) GEOGRAPHIC AREAS ASSISTED.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with Operation Desert Storm; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to section 672(a), 672(d), 673, 673b, or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with Operation Desert Storm.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) EDUCATIONAL ASSISTANCE.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, Operation Desert Storm.

(2) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(3) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) FAMILY SUPPORT ASSISTANCE.—Family support assistance authorized by this section may be used for the following purposes:

(1) Family crisis intervention.

(2) Family counseling.

(3) Family support groups.

(4) Expenses for volunteer activities.

(5) Respite care.
(6) Housing protection and advocacy.
(7) Food assistance.
(8) Employment assistance.
(9) Child care.
(10) Benefits eligibility determination services.
(11) Transportation assistance.
(12) Adult day care for dependent elderly and disabled adults.
(13) Temporary housing assistance for immediate family members visiting soldiers wounded during Operation Desert Storm and receiving medical treatment at military hospitals and facilities in the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a), $30,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs of Operation Desert Storm.

SEC. 603. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA

(a) CONVEYANCE AUTHORIZED.—Not later than one year after the date of the enactment of this Act, subject to subsections (b) through (g), the Secretary of the Army shall convey, without consideration, to Caroline County, Virginia, or the Commonwealth of Virginia (hereinafter in this section referred to as the "Commonwealth"), as appropriate, all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, and consisting of approximately 150 acres.

(b) IDENTIFICATION OF PROPERTY.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary shall, after consultation with appropriate representatives of Caroline County, Virginia, and the Commonwealth, identify the exact size and location of the parcel of land to be conveyed pursuant to this section. The Secretary shall, to the maximum extent practicable, identify a parcel of land that—

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The cost of any new or expanded sewer system or utilities shall not be the responsibility of the Department of Defense or Caroline County.

(c) CONVEYANCE OF PROPERTY.—(1) Except as provided in paragraph (2), the parcel of land conveyed pursuant to this section shall be conveyed to the Commonwealth and shall be subject to the conditions and limitations on its use as provided in Chapter 3, Article 3.1 of Title 53.1, Code of Virginia.

(2) The Secretary shall convey the parcel of land to Caroline County, Virginia, instead of the Commonwealth, if, within one year after the date of the enactment of this Act, the Secretary receives the written agreement of the participating political subdivisions of the Commonwealth named in paragraph (3) to take, under the laws of the Commonwealth, the following actions:

(A) Establish a governmental entity to construct and operate on such parcel of land a regional correctional facility.

(B) Ensure that such governmental entity constructs and operates such facility.

(3)(A) In order for the agreement referred to in paragraph (2) to be effective for the purposes of such paragraph, it shall be agreed to by Caroline County, Virginia, and at least three of the following political subdivisions of the Commonwealth:

(i) Arlington County.

(ii) Fairfax County.

(iii) Prince William County.

(iv) Stafford County.

(v) The City of Alexandria.

(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph to participate in the written agreement referred to in paragraph (2).

(d) USE OF PROPERTY; REVERSION.—(1)(A) A conveyance of land to Caroline County, Virginia, pursuant to this section shall be subject to the conditions that—

(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than 24 months after the date of the enactment of this Act;

(ii) such construction be completed and the operation of such facility commence not later than five years after such date; and

(iii) such parcel of land be used only for the construction and operation of such facility.

(B) If the parcel of land conveyed pursuant to this section is conveyed to Caroline County, Virginia, and the entity established pursuant to the agreement referred to in subsection (c)(2) fails to construct and operate a regional correctional facility in accordance with the conditions set out in subparagraph (A), all right, title, and interest in and to such parcel of land (together with the improvements thereon) shall revert to the United States.

(C) In the event of a reversion under subparagraph (B), the Secretary shall promptly convey all right, title, and interest of the United States in the parcel of land referred to in such subparagraph to the Commonwealth, subject to the applicable provisions of paragraph (2) and subsections (e) through (g).

(2)(A) A conveyance of a parcel of land to the Commonwealth pursuant to this section, shall be subject to the conditions that—

(i) an entity be established under the laws of the Commonwealth for the construction and operation of a regional correctional facility on such parcel of land;

(ii) construction of such facility on such parcel of land be completed and the operation of such facility commence not later than seven years after the date of the enactment of this Act;

(iii) such parcel of land be used only for the purpose of construction and operation of such facility;

(iv) Arlington County, Fairfax County, the City of Alexandria, Prince William County, Stafford County, and Caroline County, Virginia, be offered the opportunity for participation in such entity; and

(v) no fee be charged by the Commonwealth for the conveyance to, lease by, or use of such parcel of land by such entity.

(B) If the parcel of land to be conveyed pursuant to this section is conveyed to the Commonwealth and the conditions referred to in subparagraph (A) are not complied with (as determined by the

Secretary), all right, title, and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) PROHIBITION ON HOUSING CERTAIN PRISONERS.—Except when agreed to in writing by an appropriate representative of Caroline County, Virginia, the regional correctional facility constructed and operated in accordance with this section—

(1) shall have a maximum capacity of not more than 2,400 inmates; and

(2) may not be used to house Federal prisoners or prisoners convicted by, sentenced by, or awaiting trial in the courts of the District of Columbia.

(f) TIME LIMITATION.—The period of any litigation relating to the conveyance or improvement of land under this section shall not be included in a determination of the period for conveyance or improvement, or for the reverter of or right of re-entry onto such land.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary, in his sole discretion, shall determine appropriate to protect the interests of the United States.

(h) REPEAL.—Section 2839 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1801) is repealed.

SEC. 604. GRASSROOTS EFFORTS TO SUPPORT OUR TROOPS

(a) FINDINGS.—The Congress finds the following:

(1) Over 400,000 American servicemen and women risked their lives in defending the interests and principles of the United States in the Persian Gulf region.

(2) These American servicemen and women performed with remarkable success against Iraq and its military-industrial complex.

(3) All Americans should take great pride in the manner in which our brave servicemen and women represented our Nation in the Persian Gulf region.

(4) All Americans eagerly await the safe return of our courageous sons and daughters who served in the Persian Gulf region.

(b) GRASSROOTS SUPPORT.—The Congress—

(1) supports and endorses national, State, and local grassroots efforts to support our servicemen and women who participated in Operation Desert Storm and their families here at home;

(2) encourages Federal agencies (in accordance with applicable law), State and local governments, and private businesses and industry to organize task forces intended to provide support for the families of servicemen and women deployed in the Persian Gulf region and to organize celebrations for the servicemen and women upon their arrival home; and

(3) encourages those grassroots government, business, and industry efforts to include Vietnam Veteran organizations in all activities conducted for the benefit of the troops returning home from Operation Desert Storm.

Reports.
5 USC app. 101.

SEC. 605. EXTENSION OF TIME FOR FILING FOR PERSONS SERVING IN COMBAT ZONE

2 USC 701.

(a) IN GENERAL.—Section 101(g) of the Ethics in Government Act of 1978 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

"(i) the last day of the individual's service in such area during such designated period; or

"(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

"(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.".

5 USC app. 101 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports required to be filed after January 17, 1991.

SEC. 606. SENSE OF CONGRESS CONCERNING BUSINESSES SEEKING TO PARTICIPATE IN THE REBUILDING OF KUWAIT

(a) FINDINGS.—The Congress finds as follows:

(1) The Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait and have restored the independence of that nation.

(2) During the occupation of Kuwait by Iraq, much damage was done to the infrastructure, environment, and industrial capacity of Kuwait, and rebuilding of Kuwait is desperately needed.

(3) The principal test of a nation's commitment to the liberation of Kuwait in the Persian Gulf conflict was its willingness to provide military forces for the liberation of Kuwait.

(4) United States firms, including small and minority-owned businesses, have expressed a significant interest in participating in the rebuilding of Kuwait.

(5) Small and minority-owned businesses face inherent difficulties in competing in foreign markets and in obtaining a share of contracts from foreign governments, particularly those contracts that are performed in distant parts of the world.

(b) SENSE OF CONGRESS CONCERNING SOURCE SELECTION FOR KUWAIT CONTRACTS.—It is the sense of Congress that the Army Corps of Engineers and other Federal agencies should award contracts for the rebuilding of Kuwait, and, in recommending business firms to the Government of Kuwait for the award by it of such contracts, should encourage the Government of Kuwait to award such contracts, in accordance with the following priority:

(1) First, to United States firms, including small and minority-owned businesses, that are committed to employing United States workers under the contract.

(2) Second, to other United States firms.

(3) Then, to firms from allied nations that committed military forces to the liberation of Kuwait during the Persian Gulf conflict.

(c) SENSE OF CONGRESS CONCERNING SELECTION OF SUBCONTRACTORS FOR KUWAIT CONTRACTS.—It is the sense of Congress that, when making recommendations to any contractor awarded a contract referred to in subsection (b) concerning the selection of firms for subcontracts under such contract, the Army Corps of Engineers shall encourage the contractor to select a firm or firms for the subcontract in accordance with the priority set out in subsection (b).

(d) SENSE OF CONGRESS CONCERNING EMPLOYEES UNDER KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that any United States firm that receives a contract pertaining to the rebuilding of Kuwait—

(1) should employ United States citizens to carry out the contract; and

(2) should provide a preference to veterans of the Armed Forces in hiring for work on the contract.

(e) SENSE OF CONGRESS CONCERNING SMALL AND MINORITY-OWNED BUSINESS PARTICIPATION IN KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that—

(1) the President, acting through the appropriate Government agencies (including particularly the agencies that will be engaged in source selections or source recommendations as described in subsection (b)), should take steps to provide assistance to United States small and minority-owned businesses seeking to be awarded contracts as part of the rebuilding of Kuwait;

(2) the Administrator of the Small Business Administration and other appropriate Federal officials should conduct a public information campaign to advise small and minority-owned business firms with respect to contracts for the rebuilding of Kuwait; and

(3) United States firms that are awarded contracts pertaining to the rebuilding of Kuwait should, to the maximum extent practicable, seek to award subcontracts for such contracts to United States small and minority-owned business firms.

(f) PROGRESS REPORTS.—(1) The President shall submit to Congress a report every four months with respect to contracting for the rebuilding of Kuwait. Each such report shall show, as of the submission of the report, the country of origin of all business firms awarded Kuwait rebuilding contracts by the Corps of Engineers and other Federal agencies and the country of origin of all business firms awarded subcontracts under such contracts and the other information specified in paragraphs (2) and (3). President. Reports.

(2) The President shall include in each such report the same information (to the extent reasonably available) with regard to all business firms awarded Kuwait rebuilding contracts by the Government of Kuwait and all business firms that are subcontractors under those contracts. The President shall request the Government of Kuwait to provide to the United States, on an ongoing basis, information with respect to the country of origin of business firms to which it awards rebuilding contracts, the country of origin of firms awarded subcontracts under those contracts, and the information with respect to those contracts and subcontracts described in paragraph (3).

(3)(A) Information in reports under paragraph (1) shall be shown by the number of firms from each such country and by the dollar

value of contracts and subcontracts awarded to firms from each such country.

(B) Each such report shall also show (to the extent reasonably available) the number and percentage of contractors that are small businesses, and the number and percentage that are minority-owned businesses, among the total number of contracts awarded to United States. Each such report shall also show (to the extent reasonably available), with respect to each contract awarded to a United States firm, the number and percentage of persons employed (or expected to be employed) under the contract who are United States citizens, the number and percentage of all persons so employed (or expected to be so employed) who are United States citizens and are veterans, and the number of subcontractors under the contract that are small businesses and the number that are minority-owned businesses.

(4) The first report under paragraph (1) shall be submitted not later than two months after the date of the enactment of this Act. The last such report shall be submitted 36 months after the first report.

Saddam Hussein.

SEC. 607. SENSE OF CONGRESS REGARDING USE OF UNITED STATES FUNDS FOR REBUILDING IRAQ

It is the sense of Congress that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

10 USC 113 note.

SEC. 608. WITHHOLDING OF PAYMENTS TO INDIRECT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS

(a) GENERAL RULE.—Effective as of the end of the six-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

(b) NONPAYING PLEDGING NATION DEFINED.—For purposes of this section, the term "nonpaying pledging nation" means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

(c) RELEASE OF WITHHELD AMOUNTS.—When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States.

SEC. 609. RELIEF FROM REQUIREMENTS FOR REDUCTIONS IN DEFENSE ACQUISITION WORKFORCE DURING FISCAL YEAR 1991

(a) The Secretary of Defense, in allocating to various installations and facilities the defense acquisition workforce reductions required for fiscal year 1991, should use the considerable flexibility concerning the manner in which those reductions are to be made that was provided to the Secretary by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104

Stat. 1621) in order to respond properly and efficiently to the influx of work expected to come into the defense acquisition system resulting from Operation Desert Storm.

(b) The Secretary should allocate those reductions for fiscal year 1991 in a manner that ensures that any Department of Defense installation or facility that will experience a significant increase in workload during fiscal year 1991 (compared to its workload during fiscal year 1990) as a direct result of activities undertaken in support of Operation Desert Storm is not required to make defense acquisition workforce reductions during fiscal year 1991 that would adversely affect the ability of that installation or facility to perform its mission.

(c) For purposes of this section, the term "defense acquisition workforce reductions" means the reductions in the defense acquisition workforce required by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621).

TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS

SEC. 701. AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) CLARIFICATION OF WAIVER AUTHORITY.—Section 2331(c)(1) of title 10, United States Code, as added by section 834(a) of Public Law 101-510 (104 Stat. 1613), is amended—

(1) by striking out "on a case-by-case basis";

(2) by striking out "considers necessary the use of master agreements" and inserting in lieu thereof "considers the use of master agreements necessary"; and

(3) by striking out "of this section" before the period at the end.

(b) CLARIFICATION OF TRUTH-IN-NEGOTIATION ACT AMENDMENTS.—Section 2306a(a)(1) of title 10, United States Code, as amended by section 803(a) of Public Law 101-510 (104 Stat. 1589), is amended—

(1) in subparagraph (B), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to that contract";

(2) in subparagraph (C)(i), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract"; and

(3) in subparagraph (D), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract".

(c) CLARIFICATION OF IR&D AMENDMENTS.—Section 2372(d)(2)(B) of title 10, United States Code, as added by section 824(a)(1) of Public Law 101-510 (104 Stat. 1603), is amended by striking out "or" after "subsection (b)" and inserting in lieu thereof ", including".

(d) DEFINITION OF SMALL PURCHASE THRESHOLD.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended by adding at the end the following new paragraph:

"(7) The term 'small purchase threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(2) Section 2304 is amended—

(A) in subsection (g)—

(i) by striking out "chapter" in paragraph (2) and inserting in lieu thereof "subsection"; and

(ii) by striking out paragraph (5), as added by section 806(b)(3) of Public Law 101-510; and

(B) in subsection (j)(3)(A), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold".

(3) Section 2306(e)(2)(A) is amended by striking out "the small purchase amount under section 2304(g) of this title" and inserting in lieu thereof "the small purchase threshold".

(4) Section 2307(d)(3) is amended by striking out "contracts for amounts less than the maximum amount for small purchases specified in section 2304(g)(2) of this title" and inserting in lieu thereof "any contract for an amount not in excess of the amount of the small purchase threshold".

(5) Section 2326(g)(1)(B) is amended by striking out "of less than $25,000" and inserting in lieu thereof "in an amount not in excess of the amount of the small purchase threshold".

(6) Section 2397(a)(1) is amended—

(A) by striking out "awarded"; and

(B) by striking out "involves at least $25,000" and inserting in lieu thereof "is in an amount in excess of the small purchase threshold (as defined in section 2302(7) of this title), as in effect at the time that contract is awarded".

(e) TABLES OF CHAPTERS AND SECTIONS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 83 the following new item:

"85. Procurement Management Personnel ..... 1621".

(2) The items relating to chapter 108 in the tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, are amended to read as follows:

"108. Department of Defense Schools ..... 2161".

(3) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 687, as added by section 559(a)(2) of Public Law 101-510 (104 Stat. 1571), to appear after the item relating to section 689 and redesignating that item so as to relate to section 690.

(4) The item relating to section 1584 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"1584. Employment of non-citizens.".

(5) The table of sections at the beginning of chapter 139 is amended by inserting a period at the end of the item relating to section 2366.

(6) The item relating to section 2706 in the table of sections at the beginning of chapter 160 is amended to read as follows:

"2706. Annual reports to Congress.".

(7) The item relating to section 6082 in the table of sections at the beginning of chapter 557 is amended to read as follows:

"6082. Rations.".

(8)(A) The headings of sections 1053 and 1594 are amended by striking out "mandatory".

(B) The item relating to section 1053 in the table of sections at the beginning of chapter 53, and the item relating to section 1594 in the table of sections at the beginning of chapter 81, are amended by striking out "mandatory".

(f) CROSS-REFERENCE CORRECTIONS.—Title 10, United States Code, is amended as follows:

(1) Section 2318(c) is amended by striking out "section 21" and inserting in lieu thereof "section 23".

(2) Section 2344(c) is amended by striking out "chapter" and inserting in lieu thereof "subchapter".

(3) Paragraph (5) of section 2432(c), as added by section 1407(c) of Public Law 101-510 (104 Stat. 1681), is amended by striking out "section 2432(a)" and all that follows through "subsection (a)(2)," and inserting in lieu thereof "subsection (a)".

(4) Section 2503(3) is amended by striking out "as defined in section 4(4) of the Office of Federal Procurement Policy Act" and inserting in lieu thereof "issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))".

(5) Section 4343 is amended by striking out "clauses (2)–(9)" and inserting in lieu thereof "clauses (2) through (8)".

(6) Section 2132(d) is amended by striking out "section 115(b)(1)(A)(ii)" and inserting in lieu thereof "section 115(a)(1)(B)".

(7) Section 2414(b) is amended by striking out "section 2411(a)(1)(D)" and inserting in lieu thereof "section 2411(1)(D)".

(8) Section 2306a(e)(1)(A)(i) is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(g) U.S.C. REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 2368(a) is amended by inserting "(42 U.S.C. 6683)" before the period at the end.

(2) Sections 2394a(c)(2) and 2857(c)(2) are amended by inserting "(42 U.S.C. 8254(a))" after "section 544(a) of the National Energy Conservation Policy Act".

(3) Section 2508(a)(2) is amended by inserting "(42 U.S.C. 6681 et seq.)" before the period at the end.

(h) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1595(c) is amended by striking out "after the end of the 90-day period beginning on the date of the enactment of this section" and inserting in lieu thereof "after February 27, 1990".

(2) Section 2903(d)(2) is amended by striking out "two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "on November 5, 1992".

(i) DEFINITIONS.—Title 10, United States Code, is amended as follows:

(1) Section 645 is amended—

(A) by inserting "The term" in paragraphs (1), (2), and (3) after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each of such paragraphs so that the initial letter of such word is lower case.

(2) Section 2196, as added by section 247(a) of Public Law 101-510 (104 Stat. 1523), is amended by inserting "the term" after "In this chapter,".

(j) OTHER AMENDMENTS.—

(1) Section 1721(c) of title 10, United States Code, as added by section 1202 of the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510), is amended by striking out "Activities,' dated" in the last sentence and inserting in lieu thereof "Activities', dated".

(2)(A) Subsection (f) of section 2307 of title 10, United States Code, as added by section 836(a) of Public Law 101-510 (104 Stat. 1615), is redesignated as subsection (e).

10 USC 2307 note.

(B) Section 836(c) of Public Law 101-510 (104 Stat. 1616) is amended to read as follows:

"(c) EFFECTIVE DATE.—The provisions of section 2307 of title 10, United States Code, that are added by the amendments made by subsections (a) and (b) shall apply with respect to contracts entered into on or after May 6, 1991.".

(3) Section 2391(b)(3) of title 10, United States Code, as added by section 4102(b)(3) of Public Law 101-510 (104 Stat. 1851), is amended—

(A) by striking out "publicly-announced" and inserting in lieu thereof "publicly announced"; and

(B) by inserting a comma after "only if the reduction".

(4) Section 2409a(c) of title 10, United States Code, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended—

(A) by aligning that part of paragraph (5) preceding subparagraph (A) so as to be indented two ems;

(B) by aligning subparagraphs (A), (B), and (C) of paragraph (5) so as to be indented four ems; and

(C) by aligning paragraph (6) so as to be indented two ems.

(5) Section 2411(1)(D) of title 10, United States Code, is amended by striking out "for-profit and nonprofit" and inserting in lieu thereof "for profit purposes or nonprofit".

(6) Sections 3446 and 8446 of title 10, United States Code, are amended by striking out "as" before "provided by law".

(7) Section 6223(b) of title 10, United States Code, is amended by striking out "MARINE CORPS BANDS" and inserting in lieu thereof "THE UNITED STATES MARINE CORPS BAND".

(8) Section 1095(a)(1) of title 10, United States Code, is amended by inserting "a" before "covered beneficiary".

(9) Section 2822(b) of title 10, United States Code, is amended by realigning paragraph (4) so as to be indented two ems.

(10) Section 2704(f) of title 10, United States Code, is amended by striking out "Agency of Toxic" and inserting in lieu thereof "Agency for Toxic".

(k) EFFECTIVE DATE CLARIFICATION.—

(1) Section 2409 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) EFFECTIVE DATE.—This section shall not be in effect during the period when section 2409a of this title is in effect.".

(2) Section 2409a of such title, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended by adding at the end the following new subsection:

"(f) EXPIRATION OF SECTION.—This section shall cease to be in effect on November 5, 1994.".

(3) Section 837(b) of Public Law 101-510 (104 Stat. 1619) is amended by striking out the second sentence. 10 USC 2409a note.

SEC. 702. AMENDMENTS TO TITLE 37, UNITED STATES CODE

(a) TABLES OF SECTIONS.—Title 37, United States Code, is amended as follows:

(1) The item relating to section 301d in the table of sections at the beginning of chapter 5 is amended by striking out "Retention" and inserting in lieu thereof "Multiyear retention".

(2)(A) The heading of section 302c is amended to read as follows:

"§ 302c. Special pay: psychologists and nonphysician health care providers".

(B) The heading of section 302e is amended to read as follows:

"§ 302e. Special pay: nurse anesthetists".

(b) STYLISTIC AMENDMENTS.—Title 37, United States Code, is amended—

(1) by striking out "of this section" each place it appears (other than as provided in subsection (c));

(2) by striking out "of this subsection" each place it appears (other than in sections 305a(d)(3), 431(a), and 501(f));

(3) by striking out "of this paragraph" each place it appears (other than in section 301(c)(2)(B)); and

(4) by striking out "of this subparagraph" in section 558(c)(3)(A)(i).

(c) EXCEPTIONS.—Subsection (b)(1) does not apply to the following provisions of title 37, United States Code:

(1) Section 204(d).
(2) Section 302(g).
(3) Section 302b(g).
(4) Section 305a(d)(2).
(5) Section 308e(b)(3).
(6) Section 312(e).
(7) Section 312a(e).
(8) Section 312b(c).
(9) Section 312c(d).
(10) Section 314(a)(2).
(11) Section 314(a)(3).
(12) Section 401.
(13) Section 402(e)(1), the first place "of this section" appears.
(14) Section 403(j)(1).
(15) Section 403(k).
(16) Section 403a(c)(4).
(17) Section 403a(e)(1).
(18) Section 404a(b), the second place "of this section" appears.
(19) Section 405a(a).
(20) Section 406(h), the third place "of this section" appears.

(21) Section 406(m).
(22) Section 407(e).
(23) Section 411c(a).
(24) Section 552(d).
(25) Section 907(c), the first place "of this section" appears.
(26) Section 1011(b).

SEC. 703. AMENDMENTS TO TITLE 32, UNITED STATES CODE

Section 112(c)(2) of title 32, United States Code, is amended by striking out "in consultation with—" and all that follows and inserting in lieu thereof "in consultation with the Director of National Drug Control Policy.".

SEC. 704. AMENDMENTS TO PUBLIC LAW 101-510

(a) GENERAL AMENDMENTS.—The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 217(d)(1) (104 Stat. 1511) is amended by striking out "amounts of" and all that follows through "applicable" and inserting in lieu thereof "amounts of authorizations provided for the Department of Defense in this Act, subject to applicable".

22 USC 1928 note.

(2) Section 406(b) (104 Stat. 1546) is amended by striking out "Such section" and inserting in lieu thereof "Such subsection".

(3) Section 559 (104 Stat. 1571) is amended—

10 USC 690.

(A) in subsection (a), by striking out "inserting after section 686" and inserting in lieu thereof "adding at the end";

10 USC 687, 690.

(B) by redesignating as section 690 the new section to be added to title 10, United States Code, by the amendment made by subsection (a); and

10 USC 690 note.

(C) in subsection (b), by striking out "Section 687" and inserting in lieu thereof "Section 690".

10 USC 2306a note.

(4) Section 803(a)(2) (104 Stat. 1590) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) contracts entered into after December 5, 1990;

"(B) subcontracts under contracts covered by subparagraph (A); and

"(C) modifications or changes to such contracts and subcontracts.".

42 USC 6686.

(5) Section 822(g) (104 Stat. 1600) is amended—

(A) in paragraph (1)—

(i) by striking out "available for the Department of Defense" and inserting in lieu thereof "appropriated pursuant to this Act"; and

(ii) by striking out "in the first fiscal year in which the Institute begins operations"; and

(B) in paragraph (2), by striking out "for each fiscal year after the fiscal year referred to in paragraph (1)".

10 USC 2301 note.

(6) Section 832 (104 Stat. 1612) is amended by inserting "of subsection (a)" in paragraph (2) after "by adding at the end".

10 USC 3074 note.

(7) Section 903(b)(1) (104 Stat. 1620) is amended by striking out "all forces" and all that follows through "Army Reserve Command" and inserting in lieu thereof "to the Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combat-

ant command for special operations forces established pursuant to section 167 of title 10, United States Code".

(8) Section 1407(d) (104 Stat. 1681) is amended by striking out "section 2342" and inserting in lieu thereof "section 2432". 10 USC 2432 note.

(9) Section 1451(b)(2) (104 Stat. 1693) is amended by inserting "of subchapter II" after "at the beginning". 10 USC prec. 2350a.

(b) ACQUISITION WORKFORCE ACT AMENDMENTS.—The Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) is amended as follows:

(1) Section 1202(a) (104 Stat. 1638) is amended by striking out "the following new section" and inserting in lieu thereof "the following new chapter". 10 USC prec. 1701.

(2) Section 1208 (104 Stat. 1665) is amended— 10 USC 1701 note.

(A) in subsection (a)(1), by striking out "this Act" and inserting in lieu thereof "this title";

(B) in subsection (b)(1)—

(i) by striking out "this title" and inserting in lieu thereof "title 10, United States Code (as added by section 1202)"; and

(ii) by striking out "this chapter" and inserting in lieu thereof "chapter 87 of such title (as added by section 1202)"; and

(C) in subsection (b)(2)—

(i) by striking out "this chapter" the first place it appears and inserting in lieu thereof "chapter 87 of title 10, United States Code (as added by section 1202),"; and

(ii) by striking out "this chapter" the second place it appears and inserting in lieu thereof "such chapter".

(3) Section 1209 (104 Stat. 1666) is amended—

(A) in subsection (a)— 10 USC 1705 note.

(i) by striking out "Effective during the three-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "Before November 6, 1993"; and

(ii) by striking out the comma after "section 1202)";

(B) in subsection (b), by inserting a comma after "(as added by section 1202)"; 10 USC 1721 note.

(C) in subsection (f), by striking out the comma after "shall include" in the last sentence; and 10 USC 1733 note.

(D) in subsection (i), by inserting a comma after "section 1732(c)(1) of such title". 10 USC 1724 note.

(c) MENTOR-PROTEGE PROGRAM.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607) is amended— 10 USC 2301 note.

(1) in subsection (c)(2)—

(A) by striking out "Disadvantaged small business concerns" and inserting in lieu thereof "A disadvantaged small business concern";

(B) by striking out "one or more mentor firms" and inserting in lieu thereof "a mentor firm";

(C) by striking out "or firms"; and

(D) by inserting after the first sentence the following new sentence: "A disadvantaged small business concern may not be a party to more than one agreement to receive such assistance at any time.";

(2) in subsection (e)(3), by striking out "mentor firm or"; and

(3) in subsection (k)—

(A) by striking out "673(d)" and inserting in lieu thereof "637(d)"; and

(B) by striking out the period at the end of the second sentence and inserting in lieu thereof "and shall prescribe procedures by which mentor firms may terminate participation in the program.".

42 USC 7381b.

(d) DOE AMENDMENTS.—Section 3165 of Public Law 101-510 (104 Stat. 1841) is amended—

(1) in subsection (a), by redesignating subparagraphs (J), (K), (L), and (M) as paragraphs (10), (11), (12), and (13), respectively; and

(2) in subsection (b), by inserting "such" in the second sentence before "education activities".

10 USC 690 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

SEC. 705. OTHER TECHNICAL AMENDMENTS

Effective date.

18 USC 207.

(a) CONTINUED APPLICABILITY OF CERTAIN PROVISION.—The subsection added by the amendment made by paragraph (2) of section 814(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1498) is hereby reinstated as originally enacted, effective as of January 1, 1991.

Effective date.

37 USC 302 note.

(b) MISSING PARAGRAPH DESIGNATION.—Effective as of November 29, 1989, section 703(f) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1470) is amended by inserting "(1)" before "In the case of".

(c) TITLE 38.—(1) Section 1418A(a)(1) of title 38, United States Code, as added by section 561(a) of Public Law 101-510, is amended by striking out "section 1142 of title 10" and inserting in lieu thereof "section 1141 of title 10".

38 USC 3101.

(2) Section 1404(b)(2) of Public Law 101-189 (103 Stat. 1586) is amended by striking out "of subchapter I or II" in the matter in quotation marks and inserting in lieu thereof "subchapter I or II of".

(d) CROSS-REFERENCE CORRECTIONS.—(1) Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended by striking out "section 1105 of the National Defense Authorization Act of fiscal year 1987" and inserting in lieu thereof "section 2350a(i)(3) of title 10, United States Code".

(2) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended by striking out "section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (22 U.S.C. 2767a)" and inserting in lieu thereof "section 2350a(i)(3) of title 10, United States Code".

(e) SECTION 1207.—Subparagraph (A) of section 1207(a)(1) of Public Law 99-661 (10 U.S.C. 2301 note), as amended and redesignated by sections 811 and 832(1)(B) of Public Law 101-510 (104 Stat. 1596, 1612), is amended by inserting a close parenthesis after "637(d)".

Effective date.

(f) PUBLIC LAW 85-804.—(1) Effective as of November 6, 1990, the first section of Public Law 85-804 (50 U.S.C. 1431) is amended by inserting "and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees" before the period at the end of the third sentence.

(2) Such section is further amended in the fourth sentence—

(A) by inserting "at the end of a Congress" after "sine die"; and

(B) by inserting ", or because of an adjournment sine die other than at the end of a Congress," after "to a day certain".

(g) CAPITALIZATION CORRECTION.—Paragraph (2) of section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended by striking out "Naval" and inserting in lieu thereof "naval".

(h) EXPENDITURES FOR UNIFORMED SERVICES TREATMENT FACILITIES.—Section 1252(f) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(f)), is amended by inserting "by the Secretary of Defense" after "expenditures".

(i) ADDITIONAL CROSS REFERENCE CORRECTION.—Section 27(p)(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out "has the same meaning as" and all that follows through the end and inserting in lieu thereof the following: "has the meaning given such term by section 109(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.).".

TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991

SEC. 801. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR OPERATING EXPENSES

There is hereby authorized to be appropriated for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) for weapons activities production and surveillance, $283,000,000.

SEC. 802. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

There is hereby authorized to be appropriated for fiscal year 1991 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses:

(A) For environmental restoration, $100,000,000.

(B) For waste operations, $74,300,000.

(C) For waste research and development, $30,000,000.

(2) For plant projects:

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $30,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $19,500,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $17,600,000.

Project Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,700,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $14,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $10,000,000.

Project 77-13-f, waste isolation pilot project, Delaware Basin, southeast New Mexico, $16,900,000.

SEC. 803. APPLICABILITY OF RECURRING GENERAL PROVISIONS

The provisions contained in part B of title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1829) shall apply with respect to the authorizations provided in this title in the same manner as such provisions apply with respect to the authorizations provided in title XXXI of such Act.

Colorado.

SEC. 804. RELOCATION OF ROCKY FLATS PLANT OPERATIONS

(a) RELOCATION PROGRAM.—From funds authorized and appropriated for production and surveillance for fiscal year 1991, the Secretary of Energy shall develop a program to relocate, within 10 years after the date of the enactment of this Act, operations performed at the Rocky Flats Plant in Golden, Colorado, to a replacement facility (or facilities) on a site (or sites) where public health and safety can be assured.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the program developed under subsection (a), a plan to implement such program, and the activities to be undertaken during fiscal year 1991 pursuant to the plan.

Approved April 6, 1991.

LEGISLATIVE HISTORY—S. 725 (H.R. 1175):

HOUSE REPORTS: No. 102-16, Pt. 1, accompanying H.R. 1175 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 13, H.R. 1175 considered and passed House.
Mar. 19, considered and passed Senate, amended.
Mar. 21, S. 725 considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Apr. 6, Presidential statement.

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